

JUDGE BENJAMIN H. SETTLE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

WILLIAM V. LANGFITT III, individually and
as executor of the ESTATE OF WILLIAM V.
LANGFITT, IV, and PATRICIA E.
LANGFITT, individually,

Plaintiff,

vs.

PIERCE COUNTY, COLBLY EDWARDS and
“JANE DOE” EDWARDS

Defendants.

No. 3:21-CV-05122-BHS

MOTION FOR LEAVE TO AMEND AND
SUPPLEMENT COMPLAINT

(ORAL ARGUMENT REQUESTED)
NOTED: JUNE 18, 2021

RELIEF REQUESTED AND BACKGROUND FACTS

Pursuant to Federal Rule of Civil Procedure 15 and Local Rule 15, Plaintiffs, through their undersigned counsel of record, respectfully request leave to amend their original Complaint in the above-captioned case. Plaintiffs seek to amend leave to amend to amend and supplement the Complaint to include additional facts in support of Plaintiffs’ claims. Plaintiffs outline the facts

1 surrounding the decedent's mental health at the time prior to his death and how Defendants policies,
2 practices, procedures and customs encouraged the misconduct of failing to train, supervise, control
3 and discipline its deputies, thus, embracing and endorsing the killing of an unarmed young man- Billy
4 Langfitt. In support of this Motion, Plaintiffs submit a proposed First Amended Complaint, attached
5 as Exhibit A to this motion. *See Declaration of Jesse Valdez*, EX. A.

6 Plaintiffs commenced this action on February 19, 2021. *See* Dkt. 1. The Parties have not yet
7 been given a trial date for this case. Additionally, the parties have not been given case deadlines for
8 the case. At this time, there is no discovery deadline for this case.

9 **ISSUE**

10 Whether leave should be freely granted by the Court for Plaintiffs to amend their Complaint
11 to plead and include changes for the Plaintiffs as to facts supporting their claims.

12 **EVIDENCE**

13 The motion is supported by the declaration of Jesse Valdez and Exhibits.

14 **ANALYSIS**

15 Federal Rule of Civil Procedure 15(a)(2) allows for the amendment of pleadings with leave
16 of court, or with the opposing counsel's written consent, before trial. Fed. R. Civ. P. 15(a)(2). The
17 Rule further provides that the "[t]he court should freely give leave when justice so requires." *Id.*
18 In addition, Rule 15(d) specifically allows the filing of supplemental pleadings to allege new facts
19 that occur after the filing of the original pleadings. Rule 15(d) states that "[o]n motion and
20 reasonable notice, the court may, on just terms, permit a party to serve a supplemental pleading
21 setting out any transaction, occurrence, or event that happened after the date of the pleading to be
22
23

1 supplemented.” Fed. R. Civ. P. 15(d).

2 Because Rule 15(a) instructs that leave to amend pleadings should be “freely” given, the
3 standard of review is liberal. Indeed, the Ninth Circuit has instructed that the rule “should be
4 interpreted with ‘extreme liberality,” *Jackson v. Bank of Hawaii*, 902 F.2d 1385, 1387 (9th Cir.
5 1990)(quoting *United States v. Webb*, 655 F.2d 977, 979 (9th Cir. 1981)), and “[a]n outright refusal
6 to grant leave to amend without a justifying reason is...an abuse of discretion.” *Smith v.*
7 *Constellation Brands, Inc.*, 2018 WL 991450, at *2 (9th Cir. Feb. 21, 2018)(quoting *Leadsinger*
8 *Inc., v. BMG Music Publ’g*, 512 F.3d 522, 532, (9th Cir. 2008) and citing *Foman v. Davis*, 371 U.S.
9 178, 182 (1962)).

10 The rule is intended to make possible proper decision on merits, to provide adequate notice
11 to parties of the basis for claims against them, and to permit amendment of the pleadings unless it
12 would result in prejudice to the adverse party. *Caruso v. Local Union No. 690*, 100 Wn.2d 343,
13 349, 670 P.2d 240 (1983).

14 Justice requires Plaintiffs to amend their Complaint to include additional facts where there is
15 no prejudice to the Defendants.

16 In determining whether an amendment would cause prejudice, the court should consider
17 factors including undue delay, unfair surprise, and jury confusion. *Herron v. Tribune Publishing*
18 *Co.*, 108 Wn.2d 162, 165-66, 736 P.2d 249, (1987). There is no undue delay where Plaintiffs seek
19 to amend to include facts to support it claims as discovery has not yet begun. The case has is still in
20 its infancy stages and the discovery process will be initiated soon. There is discovery cut deadline
21 yet in place. There is no unfair surprise because the seek to include facts the defendants are or
22 should be aware of. Additionally, including additional facts to the complaint provides adequate
23 notice to the defendants.

1 Similarly, Rule 15(d) “is intended to give district courts broad discretion in allowing
2 supplement pleadings” to promote “judicial economy and convenience.” *Keith v. Volpe*, 858 F.2d
3 467, 473 (9th Cir. 1988); *see also San Luis & Delta-Mendota Water Auth. v. U.S. Dep’t of Interior*,
4 236 F.R.D. 491, 496 (E.D. Cal. 2006)(“Leave should be freely given”). Supplemental pleadings
5 should be allowed as a matter of course “unless some particular reason for disallowing them
6 appears.” *Keith*, 858 F.2d at 473. (citation omitted). Finally, judicial economy is served by
7 resolving related issues in a single lawsuit between the same parties.

8 9 CONCLUSION

10 For the above reasons, Plaintiffs respectfully request leave to amend and supplement the original
11 Complaint in the above-captioned matter.

12 DATED this 28th day of May, 2021.

13
14 /s/ Jesse Valdez
15 Jesse Valdez, WSBA #35378
16 Valdez Lehman, PLLC
14205 SE 36th Street, Ste. 100
Bellevue, WA 98006

CERTIFICATE OF SERVICE

I hereby certify that on May 28, 2021, I electronically filed the foregoing Motion for Leave to Amend and Supplement Plaintiffs First Amended Complaint with the Clerk of the Court using the CM/ECF system which will send notification of this filing to the attorneys of record and all registered participants.

/s/ Jesse Valdez
Jesse Valdez